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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,277	07/11/2003	Baskaran Dharmarajan	MS1-1565US	4822
22801	7590	11/16/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/618,277		BASKARAN DHARMARAJAN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Miranda Le		2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This communication is responsive to Amendment, filed 09/27/06.
2. Claims 1-26 are pending in this application. Claims 1, 7, 13, 18, 21 are independent claims. In the Amendment, claims 1, 7, 18, 19, 21 have been amended. This action is made Final.

The rejection of claims 18-20 by 35 U.S.C. §101 has been withdrawn in view of the amendment.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12, 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebbo et al. (US Pub No. 20030025728).

Ebbo anticipated independent claims 1, 7, 18, 21 by the following:

**As to claims 1, 18, Ebbo, in Figs. 2, 3, discloses all the claimed subject matter of a method comprising:**

receiving a request for a Web Page (“HTTP requests **214**” - Fig. 2, [0031]; “In operation **300**, client transmits an HTTP request with a URL specifying an ASP+ resource, in operation **302**, *the server receives the HTTP request*” - Fig. 3, [0036]);

identifying an Active Server Page associated with the requested Web page, (“In operation **303**, *the ASP.NET is read* - Fig. 3; the server receives the HTTP request which includes a URL that *specifies a resource*, such as an ASP.NET page, and *invokes the appropriate handler for processing the specified resources*”, [0036]; the request *identifies a dynamic web page content file*, [0012]),

wherein the Active Server Page includes a compiled user interface template (i.e. “Each time a request for the web page specifying an ASP+ resource is received, the server determines whether *a compiled class* (i.e. a compiled user interface template, which is compiled from the source code file created from elements (i.e. user interface templates) of the dynamic web page content file specified by the requested web page) - for that dynamic web page content file resides in memory. If the requested class does not exist in memory, it is created. Once the class is located, the server instantiates server-side processing objects from that class to dynamically generates web page content”, [0013], [0037]);

executing the Active Server Page to generate the requested Web Page (“Operation **304** generates a server-side control object hierarchy based on the contents of the specified dynamic content file, e.g. the ASP.NET page”, Fig. 3, [0036]. “Once the class which is compiled from the source code file created from elements of the dynamic web page content file specified by the requested web page is located, *the server instantiates server-side processing objects from that*

*class to dynamically generates web page content, and then renders, conducts to the client system*", [0013]); and

providing the requested Web Page to a source of the request (Fig. 2 - HTTP responses 212 , [0031], *Operation 310 transmits the HTML code to the client in an HTTP response* – Fig. 3; the web page content is then rendered and conducted to the client computer system, [0013]).

As to **claims 7, 21**, Ebbo teaches a method comprising:

identifying a plurality of user interface templates associated with a Web-based applications (i.e. "in response to a client that transmits an HTTP request and *the request identifies a dynamic web page content file*, the server *creates a data model to store elements* (i.e. user interface template) *of the dynamic web page content file, evaluates or identifies the data model and generates a source code file* (from a plurality of user interface templates) *related to the dynamic web page content file based on the valuation of the data model*. Once the source code file is created, the source code file is compiled to create a compiled class in memory", [0012]. "The compiled class is used to instantiate server side processing object to render a response corresponding to a requested web page to be displayed on a client computer system", [0015]);

compiling each of the plurality of user interface templates into a single file containing a plurality of byte codes, (i.e. "In operation, the server receives a request from the client for a web page and the request identifies a dynamic web page content file [0012], specifically, the ASP.NET page 410 is identified or referenced by a unique URL and further identified by ".aspx" suffix [0042]; once the ASP.NET page 410 is read into memory, *the server creates a data model*

*to store elements* (i.e. user interface elements, or user interface templates specified from the dynamic web page content file that identified in the request) *of the dynamic web page content file, evaluates or identifies the data model and generates a source code file (from a plurality of user interface templates) that is related to the dynamic web page content file based on the valuation of the data model. Once the source code file - the file that contains a plurality of byte-code data or encoded data - is created, the source code file is compiled to create a compiled class*" (i.e. a compiled class is a single file contains a plurality of byte-codes from the source code file which generated from a plurality of user interface templates, [0012], [0037], [0042-0043]),

wherein the byte codes are capable of being executed by an execution engine (i.e. "*Once the class which is compiled from the source code file created from elements* (or user interface elements/templates) *of the dynamic web page content file* specified by the requested web page is located, *the server instantiates server-side processing objects from that class to dynamically generates web page content, and then renders, conducts to the client system*", [0013]);

executing the plurality of byte codes when the Web-based application is executed (i.e. "*Once the class which is compiled from the source code file created from elements* (or user interface elements/templates) *of the dynamic web page content file* specified by the requested web page is located, *the server instantiates server-side processing objects from that class to dynamically generates web page content, and then renders, conducts to the client system*, [0013]; or Operation 304 generates a server-side control object hierarchy based on the contents of the specified dynamic content file, i.e., the ASP.NET.page [0036]).

**As to claims 2, 22,** Ebbo teaches the user interface template has been compiled into a byte code format and the Active Server Page contains the byte codes ([0042]).

**As per claim 3,** Ebbo teaches the user interface template contains HTML code ([0024]).

**As to claims 4, 23,** Ebbo teaches the user interface template contains logic related to displaying information ([0046-0047]).

**As per claim 5,** Ebbo teaches the Active Server Page includes a plurality of compiled user interface templates ([0042-0044]).

**As per claim 6,** Ebbo teaches one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1 ([0089]).

**As per claim 8,** Ebbo teaches the plurality of byte codes includes callback codes that call into the Web-based application code ([0038], [0086]).

**As to claims 9, 20,** Ebbo teaches the plurality of byte codes are executed by an execution engine in a Web server ([0036-0040]).

**As per claim 10**, Ebbo teaches the plurality of byte codes are contained in an Active Server Page ([0036-0044]).

**As per claim 11**, Ebbo teaches the byte codes include logic related to displaying information ([0046-0047]).

**As per claim 12**, Ebbo teaches one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 7 ([0089]).

**As per claim 19**, Ebbo teaches the Active Server Page contains a plurality of byte codes associated with a plurality of user interface templates ([0042]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



6. Claims 13-17, 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Ebbo et al. (US Pub No. 20030025728), in view of Sisco et al. (US Pub. No. 20030046364).

**As to claims 13, 24,** Ebbo teaches a method comprising:

creating a plurality of user interface templates associated with a Web-based application (i.e. “in response to the request identifies a dynamic web page content file, the server *creates a data model to store elements* (i.e. user interface templates) *of the dynamic web page content file, evaluates or identifies the data model and generates a source code file related to the dynamic web page content file based on the valuation of the data model*. Once the source code file is created, the source code file is compiled to create a compiled class in memory, [0012]. The compiled class is used to instantiate server side processing object to render a response corresponding to a requested web page to be displayed on a client computer system”, [0015]);

compiling the plurality of user interface templates into a plurality of byte codes (i.e. “the server creates a data model to store elements (i.e. user interface templates) of the dynamic web page content file, evaluates or identifies the data model and generates a source code file related to the dynamic web page content file based on the valuation of the data model. *Once the source code file is created* (from the user interface templates of the dynamic web page content file which contains a plurality of byte-code data or encoded data), *the source code file is compiled to create a compiled class* in memory, [0012]. The compiled class is used to instantiate server side processing object to render a response corresponding to a requested web page to be displayed on a client computer system”, [0015]);

storing the plurality of byte codes associated with the plurality of user interface templates in a single file, (i.e. *Once the source code file is created* (from the user interface templates of the

dynamic web page content file which contains a plurality of byte-code data or encoded data), *the source code file is compiled to create a compiled class in memory*, [0012]. The process ends with the return of a class reference to the server which enables the server to use the class [0012], [0043]), wherein the byte codes are capable of being executed by an execution engine in a Web server file (i.e. “Once the class which is compiled from the source code file created from elements of the dynamic web page content file specified by the requested web page is located, *the server instantiates server-side processing objects from that class to dynamically generates web page content, and then renders, conducts to the client system*”, [0013]).

Ebbo teaches creating a plurality of user interface templates using Visual Basic, Jscript, HTML code, [0006], [0012]; but Ebbo does not expressly teach the plurality of user interface templates are created using an Active Sever Page Language.

Sisco teaches “*a web page may be developed using Microsoft’s Active Server Pages, and may contain both HTML and ASP scripting codes*”, [0032], “the ASP script passes the data to a compiled Visual Basic program. The compiled Visual Basic program initiates sending data to Baan 48, so as ASP web pages can be utilized to input data into Baan”, [0032]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method for creating an intermediate language or source code file from a server-side resource or dynamic web page file using a hierarchically specified set of user controls, as disclosed by Ebbo, to include the plurality of user interface templates are created using an Active Server Page Language, as taught by Sisco, because it would enable users to create hierarchically specified user defined control objects that process client side user interface elements of a web page. One of ordinary skill in the art would be motivated to make this

combination in order to improve programming models that allow reuseable elements to be created and specified using easy-to-understand script-based programming language, as doing so would give the added benefit of providing a better method for interfacing between computer software and the Internet.

**As per claim 14**, Ebbo teaches executing the plurality of byte codes when the Web-based application is executed ([0041-0046]).

**As to claims 15, 26**, Ebbo teaches the plurality of byte codes include callback codes that call into the Web-based application code ([0038; 0086]).

**As to claims 16, 25**, Ebbo teaches executing a portion of the plurality of byte codes when the Web-based application is executed ([0041-0046]).

**As per claim 17**, Ebbo teaches one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 13 ([0089]).

### ***Response to Arguments***

7. Applicant's arguments filed 09/27/06 have been fully considered but they are not persuasive.

Applicant argues that:

(a) Ebbo was commonly owned by the Microsoft Corporation at the time the invention was made and therefore is not available as prior art.

(b) Ebbo does not teach “the plurality of user interface templates are created using an Active Server Page language”.

The Examiner respectfully disagrees for the following reasons:

Per (a), as set forth in MPEP 706.02 (I) [R1] **35 USC § 103(c)**:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.  
This exclusion law means:

“The exclusion in § 103 (c) only applies to prior art that is used in an obviousness rejection under USC § 103 (a) based on a reference that only qualifies as prior art under USC § 102 (e), (f), (g). If **reference qualifies as prior art under 102 (a) or (b)**, (e.g., publication date is prior to effective filing date of application), then **exclusion does not apply**”. (Memorandum from Deputy Commissioner for Patent Examination Policy, Stephen G. Kunin, dated April 11, 2003, under subject Prior Art Exclusion under 35 U.S.C. § 103 (c)).

Even though Ebbo reference and the instant application are commonly owned by Microsoft, the exclusion in § 103(c) **does not apply** because:

- Reference patent pub Ebbo was filed on 06/10/2001 (**§102(e)** prior art date), and published on 02/06/2003 (**§102(a)** prior art date - According to MPEP § **706.02(a)(II)(C)**, for 35 USC § 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant’s own work).
- Application of Dharmarajan has an effective filing date of 07/25/03.

- Thus, reference Ebbo is prior art under 35 USC § 102(a) and (e); and, is applied against the claims of Application of Dharmarajan under 35 USC § 103(a).

Therefore, applicant's attempt to exclude reference Ebbo by just the exclusion under 35 USC § 103(c) will not be sufficient to overcome the prior art rejection. Applicant will need to take further action such as swearing behind the issue date of reference Ebbo by using a rule 131 declaration or affidavit to disqualify the reference as prior art under § 102(a).

Accordingly, the § 103 rejections of claims 13-17 and 24-26 are proper under 103(c) provision.

Per (b), as discussed in the office action, it is noted that Ebbo in paragraph [0006] does teach the use of the ASP languages, Visual Basic or Jscript code. In addition, the Sisco reference was brought in was within the intention to further clarify the usage of ASP language in generating web pages in more details.

Although the Applicant attempts to amend claims 1, 7, 18, 21 by merely adding limitation "a compiled user interface template created using an Active Server Page Language", the claimed invention as represented in the claims does not represent a patentable over the art of record, because Ebbo and Sisco are properly combined to yield the claimed invention as they are analogous arts; plus, Sisco complements Ebbo in order to better exemplify the subject matter of using ASP scripting codes in the web interface-developing environment.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

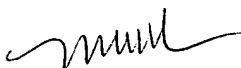
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

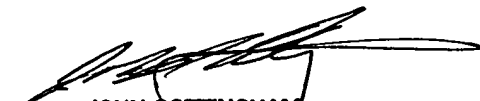
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
November 10, 2006



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